

Serial: 172946

IN THE SUPREME COURT OF MISSISSIPPI

No. 89-R-99015-SCT

***RE: LOCAL RULES OF THE  
FIFTEENTH CIRCUIT COURT DISTRICT***

**ORDER**

This matter is before the Court en banc on the Motion for Approval of Local Rules filed by the Honorable Prentiss G. Harrell and the Honorable Anthony A. Mozingo, Circuit Judges for the 15<sup>th</sup> Judicial District, Mississippi. The proposed local rules are attached as Exhibit A. Having considered the motion, the Court finds that it should be granted.

IT IS THEREFORE ORDERED that the Motion for Approval of Local Rules filed by the Honorable Prentiss G. Harrell and the Honorable Anthony A. Mozingo is hereby granted.

IT IS FURTHER ORDERED that the Clerk of this Court shall spread this order upon the minutes of the Court and shall forward a true certified copy hereof to West Publishing Company for publication in the next edition of the *Mississippi Rules of Court* and in the *Southern Reporter, Third Series (Mississippi Edition)*.

SO ORDERED, this the 7<sup>th</sup> day of November, 2011.

/s/ George C. Carlson, Jr.

GEORGE C. CARLSON, JR.,  
PRESIDING JUSTICE

NOT PARTICIPATING: KING, J.

## **Exhibit A**

### **LOCAL RULES FOR FIFTEENTH CIRCUIT COURT DISTRICT OF MISSISSIPPI**

#### **Rule 1**

The Circuit Court shall meet in each county according to the terms established by Order entered each year pursuant to Section 9-7-3(2) of the Mississippi Code of 1972 as amended, and Court will convene at 9:00 a.m. unless attorneys are otherwise notified by the Circuit Clerk or the court administrator. Court terms shall be divided between Place 1 and Place 2, pursuant to Exhibit "A" attached hereto and made a part hereof as though copied at length herein.

#### **Rule 2**

The 15<sup>th</sup> Judicial Circuit Court District shall utilize a "Place System" for assigning civil cases. The Place System shall be filled by seniority first, and should future judges have equal seniority, then the system shall be filled alphabetically. As of the adoption of this rule Judge Prentiss Harrell is the senior judge in the District and fills Place 2, Judge Anthony Mazingo fills Place 1.

The Circuit Clerk of each County of the District shall keep a separate Judges' civil docket for each Place and cases shall be assigned to each Place by the first letter of the last name of the Judge. Upon receipt of the complaint the clerk shall file the complaint and assign a case number but not a judge. The party presenting a complaint to the clerk shall provide a 3" x 5" index card stating the name of the first plaintiff vs. the name of the first defendant which the clerk shall place in a box. At the end of the work day the clerk shall randomly determine which Judge will receive the first case drawn by rolling a six-sided die with 1-3 representing Place One and 4-6 representing Place Two. Should a third judge be added to the District, 1-2 shall represent Place One, 3-4 shall represent Place Two and 5-6 shall represent Place Three. After determining which Judge will receive the first case drawn, the clerk shall then draw out the index cards and assign Judges accordingly. Should a third judge be added to the District, after determining which Judge will receive the first case drawn, the clerk shall assign cases in ascending order.

Once a case is assigned to a Judge by the letter system, that Judge shall handle that case until final disposition. For good cause, a Judge may transfer a case to another Judge of the District for that Judge's handling and, upon transfer, the clerk is to add a hyphen and the letter of that Judge's Place to show the case has been transferred. This rule is for the assignment of civil cases only and shall not be used in the assignment of criminal cases.

#### **Rule 3**

The Circuit Clerk of each county of the District shall maintain a trial calendar as provided pursuant to Rule (40)(a) of the Mississippi Rules of Civil Procedure. Said calendar shall contain all cases pending in said county in which issue has been joined and that, unless otherwise notified, the trial calendar shall be called on the first day of each term of Court at 9:00 a.m. and the Circuit Clerk shall notify the attorneys of record or the parties, if not represented by counsel, of the calling of said trial calendar at least five days in advance thereof. If either judge decides to call his trial calendar in any county other than on the first day of a regular term therein, he shall notify said Circuit Clerk in writing of the date, time, and place of the calling of such trial calendar and, at least five days prior to said date, the Circuit Clerk shall notify all attorneys of record and parties, if unrepresented, of the calling of such trial calendar in and for said county. That, at the calling of the said trial calendar, each case placed thereon shall be set for trial within the time frame set out in Rule 40 unless prior to the calling of said trial calendar the plaintiff or defendant, pursuant to Rule 26©, requests a discovery conference with the Court and state therein that said matter is still in need of discovery and is not, at that time, ready for trial. That upon such notice by either the plaintiff or defendant, the Court, at the calling of said trial calendar, shall schedule said case for a Rule 26© conference rather than for trial.

#### **Rule 4**

The Circuit Clerk will maintain in a trial docket pursuant to Rule 40 of the Mississippi Rules of Civil Procedure whereon shall be kept the cases set for trial at the calling of the trial calendar. All other trial settings must be set through the court administrator, and upon the attorneys setting a trial date through the court administrator the Clerk shall be notified in writing by the parties to set the case for trial on the date as agreed to between the parties and said case shall then be placed on the trial docket in addition to the cases set during the calling of the trial calendar. Once a case is set on the trial docket, either by setting at the calling of the trial calendar or by agreement of the parties, no continuance will be allowed without a pre-trial conference with the Court at least one week prior to trial date and then only on good cause shown. No case can be set peremptorily except for the next regular term of Court even by agreement of the parties.

#### **Rule 5**

All other cases then pending in each county which are not listed on either the trial calendar or trial docket shall be maintained on the general docket in and for said county. That on the first Monday of each Court term in and for each county the general docket shall be called by the Court. At the call of the general docket, each attorney shall be required to make an appropriate announcement, which announcement shall be limited to the following: 1) the case may be set for trial or for preliminary matters, 2) the case may be dismissed, 3) a default judgment may be taken, 4) the case may be set for call on the last Friday of the term, and 5) the case may be continued for good cause shown.

#### **Rule 6**

Whenever an announcement of final disposition is made to the Court, a final order must be submitted to the Court on or before the last day of the term, or said case will be dismissed.

### **Rule 7**

When a case is settled in vacation the Clerk will immediately be notified and the case removed from the Circuit Court docket.

### **Rule 8**

In an effort to keep each civil docket in a current status, the trial Judge for each place shall have the inherent authority to set for pre-trial any case appearing as one of the oldest 20% of the cases on the docket. Said setting shall be done pursuant to Rule 2.03 Uniform Circuit Court Rules, and upon the setting by said Court, the Circuit Clerk shall notify the parties involved in said action at least five days prior to the pre-trial conference of said setting. The purpose of said pre-trial conference is for the Court to ascertain the status of said case and to alleviate any problems involved in said case with the purpose being to prepare said case for trial as expeditiously as possible. That if either party fails to appear at said pretrial conference upon proper notification by the Clerk, and fails to notify the Court in advance of their inability to attend as required, appropriate sanctions can be taken by the trial Court.

### **Rule 9**

Parties to civil actions are encouraged by the Court to attempt settlement of each case on the docket. If the Court, in its discretion, finds that a case has been set for trial and one of the parties has failed to make a diligent effort to settle the case until the date of trial and then attempts serious settlement negotiations, which had they been taken earlier would have resulted in the settlement of the case prior to the trial day, the Court may, in its discretion, assess the actual cost to the county of the jury in attendance on that date to any party that the Court finds did not engage in prior diligent efforts to settle the case.

### **Rule 10**

All cases dismissed pursuant to Rule 41(a)(1) shall be dismissed by order pursuant to said Rule signed by the judge to which the case was assigned and said order shall be placed of record in the minutes of the Court as any other order.

### **Rule 11**

At 1:00 p.m. on the first Monday of all court terms, Motion day shall be held pursuant to Rule 78 of the Mississippi Rules of Civil Procedure, wherein motions may be presented on cases assigned to that Judge on any other motion requiring testimony, shall be set at an appropriate time by prior arrangement with the Court. The attorney bringing the motion shall be responsible for having the court file and notifying the Court and the opposing attorney of the motion and when it is to be heard. The Circuit Clerk where the court is sitting shall keep a calendar of all motions scheduled for facilitating the disposition of motions. Attorneys having motions pursuant to Rule 56 or 57, or motions requiring testimony, should apply to the proper Judge wherein said case is pending

for a time, place, and setting of the motion and, upon the setting by the proper Judge, the moving attorneys shall notify opposing counsel pursuant to the Mississippi Rules of Civil Procedure.

### **Rule 12**

The moving party of any motion set to be heard in vacation shall be responsible for procuring the court file for the out-of-term hearing. The Circuit Clerk shall release the file to the moving party's attorney prior to the motion hearing. The attorney shall return the *complete* file no later than three (3) days after the hearing. If the attorney fails to comply, he or she will be sanctioned by the Court.

### **Rule 13**

Every attorney who practices within the Circuit Court of the 15<sup>th</sup> Judicial District shall provide the Court with a current e-mail address. As with all contact information, all members of the Bar shall keep the Court apprised of any updates to his or her contact information.

### **Rule 14**

All Civil and Criminal trial and motion hearing settings shall be set through the court administrator's office prior to filing of the Notice of Hearing with the Clerk's office. Attorneys shall provide a copy of the Notice of Hearing and a copy of motions, exhibits, etc. to the court administrator immediately after setting the case for a hearing.

### **Rule 15**

All proposed jury instructions for civil cases shall be provided to the Court the Friday prior to Jury Selection. And, all proposed, special jury instructions for criminal trials shall be provided to the Court the Friday prior to Jury Selection. This Rule is not intended to affect in any way, including without limitation the deadline for attorneys to file their instructions with the clerk, the requirements set forth in Rule 3.07 of the Uniform Rules of Circuit and County Court Practice.

### **Rule 16**

All attorneys and court staff shall be responsible for reviewing our District's website at [www.15thjudicialdistrict.com](http://www.15thjudicialdistrict.com) prior to Court to ensure that everyone is aware of the case settings for the following day. Further, if the attorney or court staff member discovers any discrepancy between his or her calendar and the trial or motion settings as they appear on the website, he or she shall immediately contact the court administrator's office to correct the discrepancy.

[Adopted by order entered July 25, 1986 and approved by Supreme Court by order dated April 14, 1993; amended by order entered June 27, 2003 and approved as amended by Supreme Court by order entered September 4, 2003; approved as amended by Supreme Court by order entered November 17, 2011.]